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Wyoming

Public Land ACCESS

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PUBLIC LANDS

Q What is Public Land?

Federal Land

For purposes of this handbook, public land is defined as:

Any land surface which is under the jurisdiction of (managed by) one of the following agencies:

Bureau of Land Management,
U.S. Department of Interior
or
Forest Service,
U.S. Department of Agriculture
(National Forests and
National Grasslands)

These lands are generally open to public recreational use, including hunting and fishing, in accordance with regulations prescribed by the managing agency.

Wyoming is a mixture of public, state, and private land, each with different laws and regulations. So, use common sense. Know where you are at all times. Ask first before entering private land. Observe signs and posted areas. Avoid travel that will cause damage to the land. Don't litter. Leave all gates the way you found them.

In other words... be a good neighbor. Respect both public and private land.

State Land

State of Wyoming lands are not "public" lands in the same sense as the federal lands managed by the Federal land management agencies. Almost all of the 3.8 million acres of Wyoming's state-owned land are "trust lands" granted to the state on its admission to the Union. These trust lands are managed to produce income for the support of the state's schools and public institutions.

In general, state lands, other than cultivated croplands, are available for public hunting, fishing and casual recreational day uses. The lands must be legally accessed, and public users must comply with the regulations of the Wyoming Board of Land Commissioners. These regulations prohibit any off-road motor vehicle use, overnight camping, or open fires. Any activity which would damage state lands, roads, improvements or lessee property interests is also prohibited. Motor vehicle use is restricted to established roads. The Board may close specific State land roads and areas to public use on a permanent, temporary, or seasonal basis. While lessee permission is not required to use legally accessed state lands, public users are encouraged to notify state grazing lessees as a courtesy, whenever it is reasonably possible to do so.

Q What are the rights of the public to cross private lands to access public land?

The public may cross private lands to access public lands only when a public road or right-of-way (easement) for public access exists across the private lands. In the absence of such a right-of-way, the public has no right to cross private lands without first obtaining permission from the landowner. ***The landowner is under no obligation to grant such permission.***

Q What does the law say with regard to corner crossing?

There is no specific state or federal law with regard to corner crossing. Corner crossings in the checkerboard land pattern area are not considered legal public access.

Q What is the access situation on BLM checkerboard lands and intermingled lands?

Public access to public lands is often limited in checkerboard and other public and private intermingled landownership areas in Wyoming. If there is a legal public road through the checkerboard or intermingled land, then a person has legal access to those public land sections which are traversed by the public road.

Q What are the rights and privileges of lessees and permittees on federal lands?

Federal grazing lease or permit privileges are only for grazing purposes. Like any other private landowner, a federal grazing lessee or permittee can control access across his private property; however, he has no authority to control access on or use of public land, nor can he restrict travel over a public road or a road with an easement that allows public travel. Lessees and permittees are not allowed to charge the public for the privilege of using public lands.

A private landowner holding a grazing lease or permit from the BLM or Forest Service does not have to allow or provide public access across his private property as a condition of the lease or permit.

A federal lease or permit holder may not exclude the public from their lease or permit area, if appropriate public easements exist. However, they do have the right to exclude the public from entering any buildings they may have been authorized to construct on the area under permit. Additionally, some areas may be closed to public entry by order of the federal land management agency. An example of this is a mining operation that has been closed for reasons of public safety.

Q What are the rights and privileges of lessees and permittees on state lands?

Lessees on state lands have specific rights and privileges under their leases, such as using the land for grazing and agricultural purposes. There are also special use leases issued for non-agricultural purposes on state land. **A state lessee does not have to allow or provide public access across his private property as a condition of the lease.**

Lessees, and others, are not allowed to charge for or receive payments from persons engaged in hunting, fishing or other recreational use of state lands, unless specifically authorized to do so under a special use lease or other Board authorization. Lessees cannot exclude the public from legally accessible state land, other than cultivated cropland, unless the land has been closed by the Board. However, lessees do have a legitimate and legal interest in protecting the forage they lease, protecting the condition of and improvements placed on state lands, and protecting their livestock. If public use privileges are abused or lessee interests damaged, public uses of state lands will be restricted by the Board. Any closure or posting of state lands must be approved by the Board of Land Commissioners.

Lessees and permittees on land owned by the Wyoming Game and Fish Commission and the Wyoming Recreation Commission do not have the right to exclude the public from their lease and permit area.

Q Do rivers and streams offer legal access to public lands?

Boating or floating on rivers and streams is an allowable means of accessing public lands so long as any use of the stream bed itself, while on private lands, is restricted to incidental contact necessary to dislodge the boat or circumvent hazards.

Q Can a wounded animal be pursued onto private land?

This can occur only with the permission of the private landowner.

Q What are the State of Wyoming's trespass laws?

Two separate Wyoming Statutes pertain to public trespass:

1. W.S. 6-3-303 Criminal trespass:

(a) *A person is guilty of criminal trespass if he enters or remains on or in the land or premises of another person, knowing he is not authorized to do so, or after being notified to depart or to not trespass. For purposes of this section, notice is given by:*

(i) Personal communication to a person by the owner or occupant, or his agent, or by a peace officer; or

(ii) Posting of signs reasonably likely to come to the attention of intruders.

(b) *Criminal trespass is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars ($750), or both.*

2. W.S. 23-3-305 Hunting from highway; entering enclosed property without permission; hunting at night without permission prohibited:

(a) *No person shall hunt, shoot, or attempt to kill any wildlife from any public road or highway.*

(b) *No person shall enter upon the private property of any person to hunt, fish or trap without the permission of the owner or person in charge of the property.*

(c) *No person shall fire any firearm from, upon, along, or across any public road or highway.*

(d) *No person knowingly shall fire any rifle from the enclosed lands of one person onto or across the enclosed lands of another without the permission of both persons.*

(e) *No person shall hunt at night upon privately owned or leased lands except with written permission of the landowner or lessee.*

Violation of this statute is a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than four hundred dollars ($400), or both.

Q What recourses are available if access problems arise?

Federal Agencies

Immediately report the incident to the nearest Forest Service, Wyoming Game and Fish, or BLM field office with all the specifics of the incident, particularly the exact location where the incident occurred. An Access Problem Identification Form has been jointly develped for use in reporting incidents of this nature on state and federal lands. A copy of this form is available at agency field offices identified in this brochure.

State Agencies

The State Land Office will investigate state land access related problems and complaints which involve actions that are either illegal or contrary to State Land Board regulations and lease terms. If the problem/complaint can be documented and verified the parties involved will be contacted and requested to immediately correct the situation. Non-compliance with lease terms and related Board regulations is grounds for lease cancellation. Non-compliance with the Board's public use rules (such as off-road vehicle use), vandalism or property damage on state lands are grounds for arrest by any duly authorized peace officer and prosecution under pertinent Wyoming statutes.

PUBLIC ROADS

Q What is a public road?

Federal Lands

For purposes of this handbook, a public road is any road which is under the jurisdiction of the State Highway Department, county and municipal government, or one of the public land management agencies mentioned earlier. These roads are open to public travel unless closed by order of the agency having jurisdiction. Roads may be closed or use restricted to fulfill management objectives such as protecting public health and safety or preserving resources.

State Lands

On state land, "public roads" are only those roads identified and maintained as state, federal, or county roads which are constructed on an easement or right-of-way which include the provisions for public use. Other established roads on state land which have been graded or constructed to carry vehicular traffic, or on which repeated vehicular traffic has created well defined tracks, are available for use by persons engaged in hunting, fishing and casual recreational use, unless closed by order of the Board. Such roads may be closed to prevent resource damage, to protect other Board authorized uses, or to protect public health and safety.

Q How can public roads be identified and located?

State and some county roads are shown on the official Wyoming State Highway Map. Public roads under the jurisdiction of land management agencies are less easy to identify. They can normally be identified by signing on the ground but may not be readily identifiable from maps published by the managing agency. Many maps published by land management agencies and topographic maps published by the U.S. Geological Survey show all roads that physically exist. These maps may not differentiate between private and public roads. Inquiry at the local office of the managing agency is suggested in order to avoid being denied access on a private road.

As mentioned, many maps show all existing roads whether public or private. The owners of many private roads (that is, those not under the jurisdiction of a government agency) have allowed the public to use their roads for access to public lands. ***Unless a public agency acquires a right-of-way for the road across private land, the landowner is completely within their right to close the road at any time, to be selective in who is allowed to use the road, or to charge a fee for use of the road.***

Q What are travel management policies and practices of public agencies?

Federal Lands

The majority of BLM and Forest Service roads open to the public are open to vehicular use. However, roads could be open to the public for horseback or foot travel only.

The BLM and the Forest Service may regulate the use of all roads and lands under its jurisdiction in order to accomplish specific land management objectives, protect resources, or for public safety. This may include restricting vehicle travel to designated travelways, either during specific periods of time, or yearlong. It may include closing areas to specific modes of travel or specific types of vehicles. All such restrictions are posted on the ground. Information and maps showing restrictions are available at Forest Service offices. ***Anytime a BLM road open to the public is closed or any restriction is placed on the road, the closure or restriction is announced in local newspapers and news media.*** The public can find out which BLM roads are open to the public by contacting the nearest BLM Office.

State Lands

Motor vehicle use on state land for recreation purposes is restricted to public roads and other established roads which have been graded or constructed to carry vehicular traffic, or on which repeated vehicular traffic has created well defined tracks. **No off-road motor vehicle use is allowed.** No new roads or extensions of existing roads may be created without specific Board authorization. The Board may restrict the use of certain established roads, or close such roads entirely. Such restrictions and closures will be posted at the directon of the Board.

Game and Fish Department

The majority of roads on lands owned by the Game and Fish Commission are open for public use. Travel is restricted to established roads and some roads may be regulated for resource protection.

Q What is a prescriptive right?

A prescriptive right-of-way may exist when use of a road has been open and notorious, adverse and continuous for the period specified by statute, which in Wyoming is 10 years. A prescriptive right can only be confirmed through court action. There are no prescriptive rights which can apply against state or federal lands.

Q What are the access acquisition management policies of federal agencies?

BLM

The Bureau of Land Management strives to acquire legal access, with rights for the public, to the larger blocks of public land. BLM has the responsibility to manage public lands in accordance with laws passed by Congress. In areas where there are intermingled public and private lands, it is neither practical or feasible for the government to secure easements to ensure public access to ***all*** public land. It is the Bureau's policy to increase legal access into large blocked-up areas of public land that have high values for public recreation and use. The BLM has authority to condem rights-of-way for public access. However, "public access" may not be a suitable justification. The need for such action must be well justified and the landowner must be paid just compensation.

Forest Service

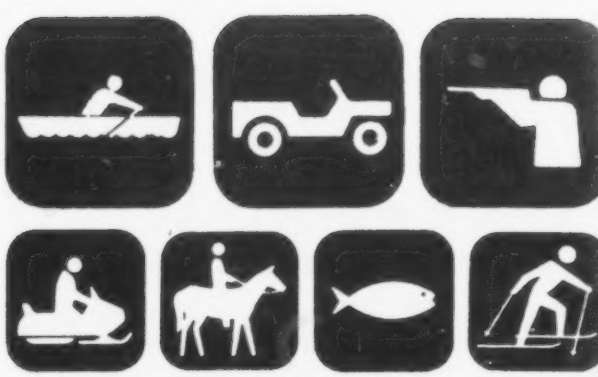
The Forest Service policy is to acquire, on a priority basis, rights-of-way needed to provide reasonable access to the National Forests and National Grasslands. Many roads which provide access to these lands may have been open to the public, courtesy of the landowner, for some years. However, the landowner may change his mind and deny access on these routes at any time in the absence of a formal right-of-way. The Forest Service has an annual program to acquire additional rights-of-way, many of which are for roads of this type.

The Forest Service does have authority to condemn rights-of-way for public access. The need for such action must, however, be well justified, and the landowner must be paid just compensation.

It should be recognized that not all existing access routes are necessarily needed to provide reasonable access to public lands. Most large blocks of Forest Service administered lands are legally accessible to the public to some degree even though some users may feel other private roads provide more convenient access.

Q What are the access acquisition management policies of state agencies?

Access is acquired and developed for necessary state land management purposes on an as needed, case-by-case basis. The State Land Office also cooperates with other state, local, and federal entities in the acquisition, development and management of access to state and federal lands.



The Wyoming Game and Fish Department has an active access acquisition program to provide public access for hunting, fishing and other consumptive and nonconsumptive uses of wildlife. Priorities for access acquisition are based on public demand and wildlife population management needs. Access acquisition is primarily in the form of easements for stream or lakeside public pedestrian access, or rights-of-way across private lands for private vehicular access to these easements and other public and state lands. All transactions are conducted on a willing buyer-willing seller basis. The department also purchases lands for wildlife habitat management areas. These lands are open to public use but may have some seasonal or site specific restrictions to protect wildlife resources. Game and Fish Department access areas are marked with informational signs and permission is not required from lessees or permittees.

INFORMATION

Bureau of Land Management Offices

Wyoming State Office
2515 Warren Ave.
P.O. Box 1828
Cheyenne, WY 82003
(307) 772-2334

Casper District Office
1701 East E Street
Casper, WY 82601
(307) 261-5101

Platte River Resource Area
815 Connie Street
Mills, WY 82644
(307) 261-5191

Buffalo Resource Area
189 N. Cedar
Buffalo, WY 82834
(307) 684-5586

Newcastle Resource Area
1501 Highway 16 Bypass
Newcastle, WY 82701
(307) 746-4453

Worland District Office
101 South 23rd
P.O. Box 119
Worland, WY 82401
(307) 347-9871

Cody Resource Area
1714 Stampede Avenue
Cody, WY 82414
(307) 587-2216

Grass Creek Resource Area
101 South 23 Street
Worland, WY 82401
(307) 347-9871

Washakie Resource Area
101 South 23 Street
Worland, WY 82401
(307) 347-9871

Rock Springs District Office
U.S. Highway 191 N.
P.O. Box 1869
Rock Springs, WY 82902
(307) 382-5350

Green River Resource Area
79 Winston Drive
Rock Springs, WY 82902
(307) 362-6422

Kemmerer Resource Area
415 Highway 30 North
Kemmerer, WY 83101
(307) 877-3933

Pinedale Resource Area
431 West Pine Street
Pinedale, WY 82941
(307) 367-4358

Rawlins District Office
1300 Third Street
P.O. Box 670
Rawlins, WY 82301
(307) 324-7171

Great Divide Resource Area
1719 Edinburgh
Rawlins, WY 82301
(307) 324-4841

Lander Resource Area
125 Sunflower Street
Lander, WY 82520
(307) 332-7822

U. S. Forest Service Offices

Big Horn National Forest
1969 South Sheridan Ave
Sheridan, WY 82801
(307) 672-0751

Black Hills National Forest
RR 2, Box 200
Custer, SD 57730
(605) 673-2251

Bridger-Teton National Forest
P.O. Box 1888
Jackson, WY 83001
(307) 733-2752

Medicine Bow National Forest
(Including Thunder Basin National Grasslands)
605 Skyline Drive
Laramie, WY 82070
(307) 745-8971

Shoshone National Forest
225 W. Yellowstone Ave.
P.O. Box 2140
Cody, WY 82414
(307) 527-6241

Wasatch-Cache National Forest
8230 Federal Building
125 S. State Street
Salt Lake City, UT 84138
(801) 524-5030

Ranger District Offices

Afton	(307) 886-3166
Big Piney	(307) 276-3375
Buffalo	(307) 684-7981
Cody	(307) 526-6241
Douglas	(307) 358-4690
Dubois	(307) 455-2466
Encampment	(307) 327-5481
Evanston	(307) 780-3194
Greybull	(307) 765-4435
Jackson	(307) 733-4755
Kemmerer	(307) 877-4415
Lander	(307) 332-5460
Laramie	(307) 745-8971
Lovell	(307) 548-6541
Meeteetsee	(307) 868-2379
Moran	(307) 543-2386
Mountain View	(307) 782-6555
Newcastle	(307) 746-2783
Pinedale	(307) 367-4326
Powell	(307) 754-2407
Saratoga	(307) 326-5258
Sheridan	(307) 672-0751
Sundance	(307) 283-1361
Worland	(307) 347-8291

Wyoming Game & Fish Department

Cheyenne State Headquarters
5400 Bishop Blvd.
Cheyenne, WY 82002
(307) 777-7735

Casper District Office
2800 Pheasant Drive
Casper, WY 82604
(307) 234-9185

Cody District Office
2820 State Highway 120
Cody, WY 82414
(307) 587-7125

Green River District Office
351 Astle
Green River, WY 82935
(307) 875-3223

Jackson District Office
360 North Cache
Jackson, WY 83001
(307) 733-2321

Lander District Office
260 Buena Vista
Lander, WY 82520
(307) 332-2688

Laramie District Office
528 South Adams
Laramie, WY 82070
(307) 745-4046

Pinedale District Office
117 S. Sublette Ave.
Pinedale, WY 82941
(307) 367-4353

Sheridan District Office
Sheridan County
Airport Road
Sheridan, WY 82801
(307) 672-7418

Game Wardens

Buffalo	(307) 684-5223
Douglas	(307) 358-3249
Gillette	(307) 682-4353
Greybull	(307) 765-2163
Jeffrey City	(307) 544-2347
Lander	(307) 332-2704
Laramie	(307) 745-9449
Lovell	(307) 548-7310
Lusk	(307) 334-3281
Meeteetse	(307) 868-2212
Moorcroft	(307) 756-3357
Newcastle	(307) 746-2248
Rawlins	(307) 324-2973
Sundance	(307) 283-1276
Thermopolis	(307) 864-3834
Wheatland	(307) 322-2067
Worland	(307) 347-3650

Other State Agencies

Wyoming State Land and Farm Loan Office
122 West 25th Street
Herschler Building
Cheyenne, WY 82002
(307) 777-7331

Wyoming Recreation Commission
122 West 25th Street
Herschler Building
Cheyenne, WY 82002
(307) 777-7695

Wyoming State Planning Coordinator's Office
122 West 25th Street
Herschler Building
Cheyenne, WY 82002
(307) 777-7574

This brochure was developed in cooperation with the following agencies:

U.S. Department of Agriculture
Forest Service

U.S. Department of the Interior
Bureau of Land Management

Wyoming State Land Office

Wyoming Game and Fish Department

Wyoming Recreation Commission

Wyoming State Planning Coordinator's Office

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